

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THOMAS LILLA,

Plaintiff(s),

**CASE NUMBER: 05-72518
HONORABLE VICTORIA A. ROBERTS**

v.

**COMAU PICO d/b/a PROGRESSIVE
TOOL & INDUSTRIES CO., a Michigan
Corporation,**

Defendant(s).

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

On March 21, 2007, the Court denied Defendant's motion for summary judgment on Plaintiff's claim that he was chosen for lay-off due to age discrimination. Defendant asks the Court to reconsider its ruling on two grounds: 1) that the statistical evidence Plaintiff relied upon to establish a *prima facie* claim was unreliable; and 2) Defendant did not give conflicting reasons for laying-off Plaintiff; therefore, the Court erred in finding that the claimed inconsistencies support a finding of pretext.

Eastern District of Michigan Local Rule 7.1(g)(3) provides for reconsideration if the movant demonstrates a palpable defect by which the court and the parties have been misled, and further demonstrates that correcting the defect will result in a different disposition of the case. "A 'palpable defect' is a defect which is obvious, clear, unmistakable, manifest, or plain." *Fleck v Titan Tire Corp.*, 177 F.Supp. 2d 605, 624 (E.D. Mich. 2001). "[T]he court will not grant motions for rehearing or reconsideration

that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.” L.R. 7.1(g)(3).

With regard to the Court’s reliance on Plaintiff’s statistical evidence, Defendant only reasserts arguments which were previously considered and rejected. And, Defendant’s contention that it has not given inconsistent reasons for laying-off Plaintiff is based solely on Defendant’s disagreement with the Court’s interpretation of certain caselaw. The Court is not persuaded that Defendant identified a “palpable defect” in its ruling which warrants reconsideration of either issue. Therefore, Defendant’s motion is **DENIED.**

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: April 4, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on April 4, 2007.

S/Carol A. Pinegar
Deputy Clerk